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U.S. DISTRICT COURT
N.D. OF ALABAMA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

MARY RICE,	§	
	§	
Plaintiff,	§	
	§	
v.	§	**Case No.:** ____________
	§	
PORTFOLIO RECOVERY ASSOCIATES, LLC; EXPERIAN INFORMATION SOLUTIONS, INC.; and EQUIFAX INFORMATION SERVICES, LLC,	§	
	§	
Defendants.	§	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441(a), Defendant Experian Information Solutions, Inc. ("Experian") hereby files its Notice of Removal of the above-captioned action to this Court and states as follows:

A. Introduction

1. Experian is a named Defendant in civil action No. CV-2011-900757.00 filed in the Circuit Court of Shelby County, Alabama (the "State Court Action").

2. The Complaint in the State Court Action was filed with the Clerk of the Circuit Court on August 14, 2011. The Complaint names Experian and Portfolio Recovery Associates, LLC ("Portfolio"). Although Equifax Information Services, LLC ("Equifax") is listed in the case caption as a defendant, Equifax is not mentioned anywhere else in the complaint and has not been served with process. Experian and Portfolio were served with process on September 21, 2011.

3. Portfolio consents to this removal. *See* Exhibit A. As Equifax has not been served, its consent to removal is not necessary.

4. This Notice is being filed with this Court within thirty (30) days after Experian received a copy of the summons and Plaintiff's initial pleading setting forth the claims for relief upon which Plaintiff's action is based and is thus timely filed under 28 U.S.C. § 1446(b).

B. Basis for Removal

5. Experian is a corporation which, for monetary fees, regularly engages in whole or in part in the practice of assembling consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties. Experian uses means or facilities of interstate commerce for the purpose of preparing or furnishing consumer reports, and therefore is a "consumer reporting agency" within the meaning of 15 U.S.C. § 1681a(f).

6. Removal is proper because Plaintiff's suit involves a federal question. *See* 28 U.S.C. §§ 1331, 1441(b); *Grable & Sons Metal Prods., Inc. v. Darue Eng'g & Mfg.*, 545 U.S. 308, 312 (2005). Specifically, Plaintiff's claims arise under the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq*. *See* Complaint at ¶¶ 59-64 (at Exhibit B). Thus, this Court has federal question jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 15 U.S.C. § 1681p, and this case may properly be removed to this United States District Court pursuant to 28 U.S.C. § 1441(a) and (b).

7. Further, Portfolio is a debt collector within the meaning of the federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692–1692o ("FDCPA"). Plaintiff asserts

alleged violations by Portfolio of the FDCPA. Thus, this Court has federal question jurisdiction over the above-captioned action pursuant to 28 U.S.C. § 1331, 15 U.S.C. § 1692k(d), and 47 U.S.C. § 227. The above-captioned action may therefore properly be removed to this United States District Court pursuant to 28 U.S.C. §§ 1441(a) and (b).

8. Further, this Court has supplemental jurisdiction over Plaintiff's claims based on Alabama state law. *See* 28 U.S.C. § 1367. Plaintiff also alleges claims against Experian and Portfolio for (1) negligent, reckless, wanton, malicious, and/or intentional conduct; and (2) negligence in hiring, supervising, and/or training. *See* Complaint at ¶¶ 73-85. Those claims arise from the same set of operative facts relating to Plaintiff's federal claims. Accordingly, each of those claims is related to Plaintiff's federal question claims and form a part of the same case and controversy pursuant to 28 U.S.C. § 1367(a).

9. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the action has been pending is located in this district.

10. In compliance with 28 U.S.C. § 1446(a), Experian attaches all of the pleadings and processes (Exhibit B). No Orders have been issued in the State Court Action.

11. Promptly after the filing of this Notice of Removal, Experian shall provide notice of the removal to Plaintiff and to the clerk of the Court in the State Court Action, as required by 28 U.S.C. § 1446(d).

C. Jury Demand

12. Plaintiff demanded a jury in the State Court Action.

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D. Conclusion

13. For these reasons, Experian asks the court to remove the action to this federal court.

Dated: October 19, 2011

Respectfully submitted,

L. Jackson Young, Jr.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of October, 2011, I caused the foregoing to be served via U.S. First-Class Mail with appropriate postage attached thereto to the following counsel of record:

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